

**REMARKS/ARGUMENTS**

Applicants thank the Examiner for her consideration during the teleconference of February 24, 2003 with Melissa L. Sistrunk. Amendments to claims 40, 112, and 121 are submitted herewith pursuant to said discussion and are made without prejudice and without acquiescence. The current amendments are directed to the atonal sequence comprising a functional domain of SEQ ID NO:70, with support for this amendment being in the specification on page 33, lines 19-22 and to the generation of the hair cell being in the inner ear, having support in the specification on page 33, lines 22-23. Thus, no new matter is entered herein.

The Examiner states in the Advisory Action that the Information Disclosure Statement (IDS) filed on January 21, 2003 failed to comply with 37 C.F.R. §1.97 (d) because it lacks a statement as specified in 37 C.F.R. §1.97 (e). Applicants state herein that no item of information contained therein was cited in a communication from a foreign patent office in a counterpart foreign application, and that no item cited therein was known more than three months prior to the filing of the IDS as pertaining to the prosecution of the present invention. The references were deemed necessary for citation only upon the course of prosecution of the application, and Applicants respectfully re-submit the IDS herewith.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/585,645

Docket No.: HO-P01899US2

Applicants file herewith the requisite fee for submission of a Request for Continued Examination. However, if other fees are due, please charge our Deposit Account No. 06-2375, under Order No. HO-P01899US2 from which the undersigned is authorized to draw.

Dated:

*March 11, 2003*

Respectfully submitted,

By *Melissa L. Sistrunk*

Melissa L. Sistrunk

Registration No.: 45,579

FULBRIGHT & JAWORSKI L.L.P.

1301 McKinney, Suite 5100

Houston, Texas 77010-3095

(713) 651-3735

(713) 651-5246 (Fax)

Agent for Applicant